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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1952 1953

No. 101 2

HARRY BRIGGS, JR., ET AL., APPELLANTS,

vs.

R. W. ELLIOTT, CHAIRMAN, J. D. CARSON, ET AL.,
MEMBERS OF BOARD OF TRUSTEES OF SCHOOL
DISTRICT No. 22, CLARENDON COUNTY, S. C.,
ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF SOUTH CAROLINA

FILED JUNE 3, 1952

Probable jurisdiction noted June 9, 1952

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DAVID KRECH, Sworn.

Direct examination.

By Mr. Carter:

Q. Mr. Krech, what is your occupation?

A. I am at present on leave from the University of California as visiting professor of social psychology at Harvard University.

Q. How long have you been associate professor?

A. I have been doing research and teaching psychology since 1933.

Q. What is your educational background? What degrees do you hold?

A. I have a Master of Arts degree from New York University, a Ph.D. in Psychology from the University of California.

Q. Have you published any books or articles?

A. Quite a number; about 40 scientific articles in psychological journals and three or four books.

[fol. 193] Q. What professional societies do you belong to?

A. I am a fellow of the American Psychological Association, and President of one of the Divisions of the American Psychological Association. I am a member of the American Association for the Advancement of Science, and a member of the American Association of University Professors, and a member of Sigma Xi, the honorary scientific society of the United States.

Q. Now, Mr. Krech, is the examination of legal segregation in education and its effect upon the individual a proper function of a social psychologist?

A. It is one of the most significant problems which social psychologists have dealt with and one of the books that I refer to devotes as many as two chapters to that very problem. It is a problem which has taken the attention of research psychologists, perhaps that one problem more so than any other single problem of our social behavior.

Q. Have you studied the problem?

A. Well, as I pointed out, since I devoted about two chapters of our book, I have spent quite a good deal of time studying that problem.

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Q. Now Mr. Krech, assume that segregated public schools are required by law for Negroes, have you formed any opinion as to what effect this situation will have upon the Negro child?

A. Very definite, and if I may say considered opinion.

Q. Will you kindly say what that opinion is and on what [fol. 194] do you base it?

A. My opinion is that legal segregation of education is probably the single, most important factor to wreak harmful effect on the emotional, physical and financial status of the Negro child, and may I also say, it results in a harmful effect on the white child.

Q. Would you explain in a little more detail this harmful effect that you describe, emotionally, financial and physical.

A. Well, the reason why I make such a statement, and I realize it is a rather strong statement, that in my opinion legal segregation which involves (1) a legal definition of an individual in terms of race, and involves a statement of some of his rights in relation to race, is the most significant factor to promote, encourage and enhance racial prejudice and racial segregation of all kinds. The reason for that psychologically is primarily this: No one, unless he is mentally diseased, no one can long maintain any attitude or belief unless there are some objective supports for that belief. We believe, for example, that there are trees. We would not long continue to believe that there are trees if we never saw a tree. Legal segregation, because it is legal, because it is obvious to everyone, gives what we call in our lingo environmental support for the belief that Negroes are in some way different from and inferior to white people, and that in turn, of course, supports and strengthens beliefs of racial differences, of racial inferiority. I would say [fol. 195] that legal segregation is both an effect, a consequence of racial prejudice, and in turn a cause of continued racial prejudice, and insofar as racial prejudice has these harmful effects on the personality of the individuals, on his ability to earn a livelihood, even on his ability to receive adequate medical attention, I look at legal segregation as an extremely important contributing factor. May I add one more point. Legal segregation of the educational system starts this process of differentiating the Negro from the white at a most crucial age. Children, when they

are beginning to form their views of the world, beginning to form their perceptions of people, at that very crucial age they are immediately put into the situation which demands of them, legally, practically, that they see Negroes as somehow of a different group, different being, than whites. For these reasons and many others, I base my statement.

Q. These injuries that you say come from legal segregation, does the child grow out of them? Do you think they will be enduring, or is it merely a sort of temporary thing that he can shake off?

A. It is my opinion that except in rare cases, a child who has for 10 or 12 years lived in a community where legal segregation is practiced, furthermore, in a community where other beliefs and attitudes support racial discrimination, it is my belief that such a child will probably never recover [fol. 196] from whatever harmful effect racial prejudice and discrimination can wreak.

Q. Mr. Krech, assume another situation, assume that in segregated public schools to which Negroes attend are inferior to white schools, will education in that situation have any adverse effect on the Negro child?

A. Very definitely. Psychologists have a long time ago given up the notion that what we call intelligence, I. Q., is independent of the education and of the experiences of the individual, and an inadequate education reflects itself, and we have empirical data to substantiate this, reflects itself in a lowered I. Q., in lowered ability to cope with the problems of life. I might point out that I do not hold with some people who suggest the white man, who is prejudiced against the Negro, has no cause to be so prejudiced. I would say that most white people have cause to be prejudiced against the Negro, because the Negro in most cases is indeed inferior to the white man, because the white man has made himself through the practice of legal segregation. There is no psychologist that I know of who would maintain that there is any biological, fundamental difference between the two groups of people, but through the practice of inadequate education, that was a hypothetical situation that you gave me, as a consequence of inadequate education we build into the Negro the very characteristic, not only intellectual, but also personality characteristics, which we then use to justify [fol. 197] prejudice.

Cross-examination.

By Mr. Figg:

Q. Where were you born?

A. Poland.

Q. And at what age did you come to this country?

A. Three.

Q. Where did you live when you came here?

A. New Britain, Connecticut.

Q. And then where? California?

A. No. I also lived in New York City, Chicago, Colorado, Pennsylvania,—I taught at those places, and California, and the last year I was visiting professor of social psychology at Oslo University in Norway.

Q. Have you ever lived in one of the States which has legal segregation?

A. Only when I was taking my basic training in the United States Army.

Q. And what state was that?

A. Florida.

Q. And have you ever made any study on this problem we are discussing in any State which has legal segregation?

A. I am sorry I didn't hear the question.

Q. Have you ever made a study of this problem we have been discussing in a State which has legal segregation?
[fol. 198] A practical study.

A. As a man who is primarily devoted to the science of psychology, I think I am familiar with perhaps every study that has been made in this area. I base my conclusions not on my own studies obviously but on the field of psychology.

Q. You base your opinion not on your own practical investigation of the problem but on the sum total of the reading which you have done on the study which you have made.

A. Reading and research. That is right.

Q. But no practical research in a State which has legal segregation?

A. All research is practical.

Judge Parker: Answer the question.

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Q. I am talking about, have you?

A. I myself, no, I haven't.

MRS. HELEN TRAGER, SWORN.

Direct Examination.

By Mr. Carter:

Q. Mrs. Trager, what is your occupation?

A. I am a teacher. I am a lecturer at Vassar College in Poughkeepsie, New York, and consultant in curricula at Vassar.

Q. How long have you held this position?

A. Just this year. At the present time I am also a consultant in curriculum and human relation to a special project sponsored by Yale University and the Bureau of [fol. 199] Intercultural Education in the rural schools of Connecticut.

Q. What other teaching experience have you had?

A. I have taught in the elementary school, both public and private. I have been educational consultant to city schools in New York, Philadelphia, Denver, Colorado, San Diego, California, Detroit, Michigan. I have been lecturer and group leader of workshops for teachers and administrators in the field of elementary education and human relations education at Columbia University Teachers College, at the University of Minnesota, at the University of Utah, at New York University, and San Diego College.

Q. Would you describe your educational background briefly for us?

A. I am a graduate of the New York Training School for Teachers, from which I received a diploma to teach in elementary schools. I have a Bachelor of Science, New York University, and a Master of Arts from the same University.

Q. Have you published any books or articles?

A. Yes, in the last ten years I have published under my own name or with colleagues about twenty manuscripts; about six of them are pamphlets in the general field of democratic education; others are articles on problems of